

1 IN THE UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF MICHIGAN
3 UNITED STATES OF AMERICA,)
4 vs.) Case No. 19-20014
5 SETH RYAN MOSE,) Bay City, Michigan
6 Defendant.) May 15, 2019
) 1:40 p.m.

TRANSCRIPT OF PLEA
BEFORE THE HONORABLE PATRICIA T. MORRIS
UNITED STATES MAGISTRATE JUDGE

10 | APPEARANCES:

11 For the Government: ANCA I. POP
12 United States Attorney
13 Eastern District of Michigan
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14 For the Defendant: JOHN E. MELTON
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24 TRANSCRIPT PRODUCED FROM DIGITAL VOICE RECORDING
TRANSCRIBER NOT PRESENT AT LIVE PROCEEDINGS

PROCEEDINGS

(At 1:40 p.m., proceedings commenced.)

(Defendant present.)

4 THE COURT: Good afternoon. The Court calls the case
5 of the United States versus Seth Mose, Case No. 19-20014.
6 Could I have the attorney appearances, please.

7 MS. POP: Good afternoon, Your Honor, Anca Pop on
8 behalf of the United States.

9 THE COURT: Thank you, Ms. Pop.

10 MR. MELTON: John Melton for Mr. Mose.

11 THE COURT: Thank you, Mr. Melton. We are here
12 today, Mr. Mose, because you've indicated a willingness to
13 enter into a plea agreement, and toward that end, you did sign
14 a form whereby it described a process that although it's Judge
15 Ludington that will be sentencing you, you indicated that you
16 were okay with me conducting the plea hearing today. Do you
17 still feel that way, sir?

18 THE DEFENDANT: Yes, I do.

19 THE COURT: Okay. Very good. I think your consent
20 is properly entered then, and we have an order of reference so
21 I think we're good to go. If you don't mind then, Mr. Melton,
22 can I swear in your client?

23 MR. MELTON: Yes.

24 THE COURT: Okay. Thank you. To the best of your
25 ability, could you raise your right hand. Thank you, sir.

1 (At 1:41 p.m., sworn by the Court.)

2 THE COURT: Having been sworn, I have to warn you
3 that, of course, if you were to make a false statement, it
4 could be used against you in a separate case for perjury. You
5 understand that, sir?

6 THE DEFENDANT: Yes, I do.

7 THE COURT: Okay. Very good. What is your full
8 name, Mr. Mose?

9 THE DEFENDANT: Seth Ryan Mose.

10 THE COURT: And how old are you?

11 THE DEFENDANT: I'm 35.

12 THE COURT: How far did you get in school?

13 THE DEFENDANT: I got a GED.

14 THE COURT: Good. Do you have any difficulties
15 reading, writing or understanding English?

16 THE DEFENDANT: No.

17 THE COURT: Are you under the influence today of any
18 kind of medication or prescription drugs?

19 THE DEFENDANT: No.

20 THE COURT: Are you under the influence today of any
21 drugs or alcohol?

22 THE DEFENDANT: No.

23 THE COURT: Have you been treated recently for any
24 mental health issues?

25 THE DEFENDANT: No, I haven't.

1 THE COURT: Have you been treated recently for any
2 addiction to narcotic drugs of any kind?

3 THE DEFENDANT: No.

4 THE COURT: All right. The record should reflect my
5 conclusion the defendant is capable of tendering a knowing
6 plea. Do you agree, Ms. Pop?

7 MS. POP: Yes, Your Honor.

8 THE COURT: And Mr. Melton?

9 MR. MELTON: I do.

10 THE COURT: Mr. Mose, you are charged with and will
11 be pleading guilty to two counts. Count One is distribution
12 and receipt of child pornography, and Count Three is coercion
13 and enticement of a minor. Those carry with them maximum
14 possible -- maximum possible penalties of 20 years imprisonment
15 in Count One and life imprisonment in Count Three.

16 The maximum fines are not to exceed \$250,000. There
17 is mandatory life supervised release. You'll also be subject
18 to the Sex Offender Registry and Notification Act, which could
19 affect places where you can live and work, and you also are
20 going to be subject to forfeiture of any property that you used
21 in conjunction with the commission of these offenses. Do you
22 understand the maximum penalties for these offenses?

23 THE DEFENDANT: Yes, I do.

24 THE COURT: You have Mr. Melton with you here today,
25 and he's represented you in this case. Do you feel like you've

1 had enough time to talk to him and to go over the Rule 11 plea
2 agreement?

3 THE DEFENDANT: Yes, I do.

4 THE COURT: Do you feel like you understand the terms
5 of the agreement?

6 THE DEFENDANT: I do.

7 THE COURT: And are you satisfied with his advice?

8 THE DEFENDANT: Yes.

9 THE COURT: Good. If you plead guilty, of course,
10 you're giving up important rights, most of which that have to
11 do with a trial, because by pleading guilty you won't have a
12 trial before either a judge or a jury. You understand that,
13 sir?

14 THE DEFENDANT: I do.

15 THE COURT: In addition, at trial you would have had
16 the right to be presumed innocent. It would be up to the
17 Government to prove you guilty beyond a reasonable doubt as to
18 each of the essential elements of the offense, but by pleading
19 guilty, you're giving up that right to be presumed innocent at
20 trial and to hold the Government to its proofs. Do you
21 understand that also, sir?

22 THE DEFENDANT: Yes, I do.

23 THE COURT: In addition, at trial you would have the
24 right to continued assistance of counsel, and if you couldn't
25 afford counsel, we would make sure that you had Court-appointed

1 counsel to represent you. But by pleading guilty, you're
2 giving up that right as well. Do you also understand that?

3 THE DEFENDANT: Yes, I do.

4 THE COURT: In addition, at trial you'd have the
5 right to see and hear all the witnesses that the Government
6 would bring against you in their case against you, and your
7 lawyer could question those witnesses. But by pleading guilty,
8 you're giving up that Sixth Amendment right to confront the
9 witnesses and to allow your lawyer to cross-examine them. Do
10 you also understand that, sir?

11 THE DEFENDANT: Yes, I do.

12 THE COURT: In addition, at trial if you wanted to
13 subpoena witnesses for your defense, the Court would make sure
14 that those witnesses showed up at trial, but by pleading
15 guilty, you're giving up the right to compel witnesses for your
16 own defense. Do you also understand that, sir?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: At trial you'd have that continued right
19 to remain silent, you wouldn't have to testify, and you
20 wouldn't have to present a defense of any kind, and if you
21 chose not to present a defense, or not to testify, or both, the
22 Court would instruct any jury that they couldn't hold that
23 against you, because you don't have to prove anything at trial.
24 It's up to the Government to prove you guilty beyond a
25 reasonable doubt, but by pleading guilty, you're giving up

1 those rights as well. Do you understand that, sir?

2 THE DEFENDANT: Yes.

3 THE COURT: And finally, of course, and on the other
4 hand, if you wanted to testify at your own trial, or if you
5 wanted to present a defense at your own trial, you could, but
6 by pleading guilty, you're giving up those rights as well. Do
7 you understand that, sir?

8 THE DEFENDANT: Yes.

9 THE COURT: Very good. With that, then, Ms. Pop,
10 would you mind going over the Rule 11 plea agreement for us.

11 MS. POP: Sure. Pursuant to Rule 11 of the Federal
12 Rules of Criminal Procedure, the defendant, Seth Ryan Mose, and
13 the Government agree as follows:

14 Defendant will enter a plea of guilty to Counts One
15 and Three of the first superceding indictment, which charges
16 him with distribution and receipt of child pornography and
17 coercion and enticement of a minor in violation of 18 USC
18 2252A(a) (2) and (b) (1) and 18 USC 2422(b) and 2 .

19 The elements of Count One are:

20 That the defendant knowingly distributed and received
21 any child pornography, which is any visual depiction of a minor
22 engaged in sexually explicit conduct as defined by 18 USC 2256.
23 The defendant knew that the material was or contained child
24 pornography, by using any means or facility of interstate or
25 foreign commerce, the child pornography was shipped or

1 transported in or affecting interstate or foreign commerce by
2 any means including by computer.

3 The elements of Count Three are as follows:

4 The defendant knowingly used a facility or means of
5 interstate commerce to persuade, induce, entice or coerce an
6 individual under the age of 18 to engage in sexual activity,
7 the defendant believed that such individual was less than 18
8 years of age, and the defendant could have been charged with a
9 criminal offense for engaging in the specified sexual act.

10 The following facts are sufficient and accurate basis
11 for the defendant's guilty pleas. Between February 2nd, 2018
12 and June 12, 2018, while living in or near Gladwin, Michigan,
13 Eastern District of Michigan, Northern Division, the defendant,
14 Seth Ryan Mose, knowingly distributed and received child
15 pornography as defined in Title 18 United States Code Section
16 2256, by using his computer, cellular telephone and the
17 internet.

18 Searches of Mose's cellular telephone, laptop and
19 Dropbox, Google and Yahoo accounts revealed that Mose
20 possessed, distributed or received approximately 386 -- 87
21 photographs and 102 videos containing visual depictions of
22 sexually explicit conduct involving minors.

23 The images depicted children in various states of
24 undress engaging in sexual acts, some with adults or posing in
25 a sexually suggestive manner, to include sadistic depictions

1 such that an outsider would perceive the images as depicting
2 the infliction of pain or humiliation on the minors. A
3 majority of the images depict prepubescent children, infants
4 and toddlers. Mose knew the material he possessed, received
5 and distributed contained child pornography.

6 He shared child pornography with other individuals on
7 various social networks and chat rooms using the internet, his
8 laptop and cellular telephone in exchange for other child
9 pornography.

10 According to the National Center for Missing and
11 Exploited Children record, at least 72 of the images contained
12 an identified child. In private chats with other individuals,
13 Mose stated he raped a 12-year-old and one or more 8-year-old
14 girls and provided explicit details. He also often talked
15 about planning to snatch a girl and take her to an isolated
16 location in Gladwin for sexual exploitation.

17 In an interview on August 10, 2018, near his
18 residence in Midland, Eastern District of Michigan, Mose
19 admitted to possessing, receiving and sharing child pornography
20 using his Dropbox, Yahoo, Google, Kik, Whisper and Tumblr
21 accounts. He noted he traded child pornography but after
22 awhile, it started to bother him what was going on in the
23 conversations.

24 He estimated his criminal conduct started several
25 years ago. The number of child pornography files he had shared

1 is in the thousands and the number he had received is in the
2 tens of thousands. He stated he regularly deleted the child
3 pornography and that several of his online accounts were
4 disabled because of his illegal activity.

5 He admitted to receiving and sharing child
6 pornography while living in Gladwin and elsewhere from his cell
7 phone which connected to the internet. He stated he
8 masturbated to child pornography and his youngest age
9 preference was seven or eight.

10 Mose consented to a search of his Apple iPhone, Model
11 A1661, Serial No. FCJ30BAHFXW, Toshiba laptop Serial
12 No. 6E312867P with a hard drive of 750 gigabytes and Western
13 Digital 320 gigabyte hard drive Model WD3200BEK, Serial No.
14 WX90A99N9123. The iPhone and the laptop contained child
15 pornography files and the hard drive contained a torrent file
16 entitled "teen lolitas" that was located in the unallocated
17 space on the device.

18 Mose also admitted to having sexual contact with a
19 12-year-old girl in Ohio in the fall of 2014 when he was 30
20 years old and resided in Monroe, in the Eastern District of
21 Michigan. One of the individuals with whom he was trading
22 child pornography on Kik found out where he lived and gave him
23 a 12-year-old girl's Kik user name because she lived close to
24 him.

25 Mose started communicating with the girl, hereinafter

1 MV on Kik and Skype, using his cell phone, computer and the
2 internet. In order to befriend MV, they talked about Goth art
3 and MV's favorite animes and My Little Pony collection. Mose
4 knew MV was only 12 years old but sent her multiple pictures of
5 his penis and requested nude pictures of MV. He claimed that
6 although she had sent him many pictures of herself, he no
7 longer had the device he used to communicate with her and the
8 Kik account was disabled.

9 After talking over the internet daily for
10 approximately one to two weeks, Mose requested to see MV to
11 show her some stuff in person. One night in September, 2014,
12 when her mother was not at home, and her grandparents looked
13 after her, Mose visited MV at her house in Ohio.

14 Mose drove for approximately two and a half hours
15 from Monroe MV's house where he arrived at around 1:00 a.m. MV
16 and Mose went in the horse pasture behind the barn at her
17 residence. After talking for a while, Mose told MV he wanted
18 to have sex and forced her head down by grabbing her hair so
19 forcefully that it bruised her scalp to perform oral sex on
20 him. Mose also took off her clothes and performed oral sex on
21 her. He also tried to penetrate her vagina with his penis, he
22 brushed the opening and slightly penetrated. After the sexual
23 conduct, they talked for a little bit and he left. Mose
24 messaged MV after this and said he did not want to talk to her
25 anymore and deleted his Kik account. They never communicated

1 again after that.

2 Mose could have been charged with rape under the Ohio
3 Revised Code Section 2907.02(A)(1)(b), which provides that no
4 person shall engage in sexual contact with another who is not
5 the spouse of the offender or who is the spouse of the offender
6 but is living separate and apart from the offender when any of
7 the following applies; that the other person is less than 13
8 years of age, whether or not the offender knows of the age of
9 the other person.

10 For the purposes of this plea agreement, the parties
11 stipulate and agree that the guideline calculations in the
12 attached worksheets are correct with the exception of the
13 enhancements under USSG 2G2.2(b)(3)(B). The Government
14 believes that the defendant distributed child pornography in
15 exchange for any valuable consideration, which is other child
16 pornography, and a five-level enhancement is appropriate under
17 the guideline section. However, defendant reserves the right
18 to argue that an enhancement under this section should not
19 apply. The parties stipulate to the accuracy of the offense
20 scoring in the attached guideline worksheets in all other
21 respects.

22 The Government recommends that the Court determine
23 that the defendant's guideline range is 235 to 293 months as
24 set forth in the attached worksheets. The defendant recommends
25 that the Court determine that his guideline range is 151 to 188

1 months.

2 The Court is not bound by either party's
3 recommendation concerning the guideline range, and the
4 defendant understands that he will not have the right to
5 withdraw his guilty plea if the Court does not follow his
6 recommendation.

7 If the Court finds that the defendant's criminal
8 history category is higher than reflected on the attached
9 worksheets, or that the offense level should be higher because
10 after pleading guilty the defendant made any false statement to
11 or withheld information from his probation officer, otherwise
12 demonstrated a lack of acceptance of responsibility for his
13 offense, or obstructed justice or committed any crime, and if
14 any such finding results in a guideline range higher than 235
15 to 293 months, or 151 to 188 months respectively, the higher
16 guideline range becomes the agreed range.

17 However, if the Court finds that the defendant is a
18 career offender, an armed career criminal or a repeat and
19 dangerous sex offender as defined under the sentencing
20 guidelines or other federal law, and that finding is not
21 already reflected in the attached worksheets, this paragraph
22 does not authorize a corresponding increase in the agreed
23 range.

24 Neither party may take a position concerning the
25 applicable guidelines that is different from any position of

1 that party as reflected in the attached worksheets, except as
2 necessary to the Court's determination regarding subsections 1
3 and 2 above.

4 Except as provided in the next sentence, pursuant to
5 Federal Rule of Criminal Procedure 11(c)(1)(C), the sentence of
6 imprisonment in this case may not exceed the top of the
7 sentencing guideline range as determined by paragraph 2B.
8 However, if the Court must impose a sentence of imprisonment --
9 the Court must impose a sentence of imprisonment on Count One
10 of at least five years and not more than 20 years imprisonment
11 and on Count Three of at least 10 years and not more than life
12 imprisonment.

13 A term of supervised release follows the term of
14 imprisonment. The Court must impose a term of supervised
15 release which in this case is life.

16 The agreement concerning imprisonment described above
17 in paragraph 3A does not apply to any of the terms of
18 imprisonment that results from any later revocation of
19 supervised release.

20 The defendant will have to pay a special assessment
21 of \$5,200. There is no agreement as to fines, and the Court
22 may order restitution to every identifiable victim of the
23 defendant's offense in all other relevant conduct.

24 There is no agreement on restitution. If the Court
25 orders restitution, the Court will determine who the victims

1 are, any amounts of restitution they're owed. As part of this
2 agreement, the defendant agrees to forfeit his interest in any
3 visual depictions of child pornography, and all of the property
4 that was seized from the defendant containing child
5 pornography.

6 In entering into this agreement with respect to
7 forfeiture, the defendant expressly waives his right to have a
8 jury determination of the forfeitability of his interest in
9 these assets.

10 Defendant also understands that by pleading guilty in
11 this case he will be required to register as a sex offender
12 under both federal and state registration requirements. As a
13 condition of his release from prison or supervised release in
14 this case, the defendant will be obligated to promptly register
15 under the Federal Sex Offender Registry. The defendant may
16 also be required to register under the law of the state in
17 which he resides, as well as any state where he has significant
18 contacts. And the defendant further understands that he will
19 be required to maintain and update his registration for at
20 least 20 years and potentially for the rest of his life.

21 The Government may withdraw from this agreement if
22 the Court finds the correct guideline range to be different
23 than is determined by paragraph 2B. The defendant may withdraw
24 from this agreement, and may withdraw his guilty plea, if the
25 Court decides to impose a sentence higher than the maximum

1 allowed by paragraph 3. This is the only reason for which the
2 defendant may withdraw from this agreement. The Court shall
3 advise defendant that if he does not withdraw his guilty plea
4 under this circumstance, the Court may impose a sentence
5 greater than the maximum allowed by paragraph 3.

6 The defendant waives any right he may have to appeal
7 his conviction on any grounds. If the defendant's sentence of
8 imprisonment does not exceed 293 months, the defendant also
9 waives any right he may have to appeal his sentence on any
10 grounds. If the defendant's sentence of imprisonment is at
11 least 155 months, the Government waives any right it may have
12 to appeal the defendant's sentence. This waiver does not bar a
13 filing of a claim of ineffective assistance of counsel in
14 court.

15 If the defendant is allowed to withdraw his guilty
16 pleas, or if any conviction entered pursuant to this agreement
17 is vacated, the Court shall, on the Government's request,
18 reinstate any charges that were dismissed as part of this
19 agreement. If additional charges are filed against the
20 defendant within six months after the date of the order
21 vacating the defendant's conviction, or allowing him to
22 withdraw his guilty pleas becomes final, which charges relate
23 directly or indirectly to the conduct underlying the guilty
24 pleas, or to any conduct reflected in the attached worksheets,
25 the defendant waives his right to challenge the additional

1 charges on the ground that they were not filed in a timely
2 manner, including any claim that they were filed after the
3 limitations period expired.

4 The defendant understands that his convictions here
5 may carry additional consequences under federal and state law
6 including potential loss of the right to vote, right to carry a
7 firearm, right to serve on a jury and inability to sold certain
8 licenses or to be employed in certain fields.

9 This agreement does not bind any Government agency
10 except the United States Attorney's Office for the Eastern
11 District of Michigan. This agreement, which is -- which
12 includes all documents that it explicitly incorporates, is the
13 complete agreement between the parties.

14 THE COURT: Thank you, Ms. Pop.

15 Mr. Mose, as she was going through the plea
16 agreement, was there anything that surprised you or that you
17 didn't expect to hear?

18 THE DEFENDANT: No, Your Honor.

19 THE COURT: On the other hand, is there something
20 that's very important to you that you're counting on that
21 nobody has talked about yet? In other words, is there anything
22 missing?

23 THE DEFENDANT: No, I don't believe so.

24 THE COURT: Okay. Very good. Just to make sure that
25 you understand some of the important things that you're giving

1 up in this agreement, you are giving up your right to appeal
2 your conviction on any grounds, so that means that you would
3 not be successful in arguing later that you pled guilty today
4 only because your lawyer said it was a good idea or a good
5 deal, you're not really guilty, you just pled guilty to get it
6 over with, you didn't understand that you could be sentenced
7 this harshly as you ended up being sentenced. None of those
8 types of arguments will be successful. Do you understand that,
9 Mr. Mose?

10 THE DEFENDANT: Yes, I do.

11 THE COURT: So for that reason, and because it is an
12 important day for you, we do want to make sure that you
13 understand the agreement that you've entered into, the terms of
14 the agreement and the consequences that could flow from the
15 terms of the agreement. So even though I'm sure it's not the
16 most comfortable setting for you here, I do want to ask you to
17 commit to me that if you did have any questions about the terms
18 of your agreement or what could happen to you, because of the
19 terms of the agreement, that you would bring those questions
20 forward to me today, either to me personally or through your
21 lawyer. Can you do that, Mr. Mose?

22 THE DEFENDANT: Yes, I can.

23 THE COURT: And you feel like you could do that
24 today?

25 THE DEFENDANT: Yes, I can.

1 THE COURT: Very good. So you're also giving up your
2 right to appeal your sentence as long as Judge Ludington
3 doesn't sentence you any higher than 293 months. Do you
4 understand that, sir?

5 THE DEFENDANT: I do.

6 THE COURT: So that one's a hard number, but you're
7 also giving up your right to withdraw from the agreement and
8 withdraw your guilty plea, as long as Judge Ludington doesn't
9 sentence you higher than the top of the guidelines. Do you
10 understand that?

11 THE DEFENDANT: Yes, I do.

12 THE COURT: And so that -- the top of the guidelines
13 is not yet a really known number, because you have a dispute
14 going on between the Government's -- the Government is going to
15 argue that they think the proper guideline range is 235 to 293
16 months, and your lawyer is going to argue for you that you
17 think the proper guideline range is 151 to 188 months. You do
18 understand, Mr. Mose, that that's ultimately the decision that
19 Judge Ludington is going to make, right?

20 THE DEFENDANT: Yes, I do.

21 THE COURT: And you -- as included in this agreement,
22 you won't be able to complain about that. Whichever way he
23 decides, that's what rules, you understand that --

24 THE DEFENDANT: Yes, I do.

25 THE COURT: -- also? Okay. And as long as you don't

1 get sentenced higher than whatever the applicable guideline
2 range is, whether it's 293 months, 188 months, or some other
3 number, as long as you don't get sentenced higher than the top
4 of the guideline range, you won't be able to withdraw your plea
5 or withdraw from the agreement. Do you also understand that,
6 sir?

7 THE DEFENDANT: I do.

8 THE COURT: Okay. Very good. As Ms. Pop was going
9 through the agreement, she explained that there were some
10 things that are within your control if you were to commit
11 another crime, obstruct justice, make false statements or
12 withhold information from your probation officer or show that
13 you're not accepting responsibility, that can also have an
14 adverse effect on your guideline range. That could result in
15 your guideline range being higher. Do you understand that
16 also?

17 THE DEFENDANT: Yes, I do.

18 THE COURT: And, once again, I, you know, don't mean
19 to hammer it, but as long as you don't get sentenced higher
20 than whatever the top of the guideline range is, you won't be
21 able to withdraw your plea or withdraw from the agreement, and
22 you understand that?

23 THE DEFENDANT: I do.

24 THE COURT: Okay. Very good. And I think in going
25 through the maximum penalties, sir, I forgot to mention the

1 special assessment of \$5,200, which will be due at sentencing.

2 Do you understand you will be exposed to that as well?

3 THE DEFENDANT: Yes.

4 THE COURT: Okay. Has anyone made any promises to
5 you, Mr. Mose, other than those that are stated here in the
6 plea agreement?

7 THE DEFENDANT: No, they have not.

8 THE COURT: Good. Has anyone promised you Judge
9 Ludington's definitely going to sentence you to a certain
10 number of months?

11 THE DEFENDANT: No, they have not.

12 THE COURT: He does have the ability to sentence you
13 to whatever he thinks is appropriate, which could be under the
14 guidelines, inside the guidelines or above the guidelines, up
15 to the statutory maximum, but he has to sentence you to the
16 mandatory minimum of five years on Count One and the mandatory
17 minimum of 10 years. Do you understand all of that?

18 THE DEFENDANT: I do.

19 THE COURT: Is it fair to say, then, that this plea
20 agreement represents the entire agreement between you and your
21 lawyer and the Government?

22 THE DEFENDANT: Yes.

23 THE COURT: Has anyone used any force or threats of
24 violence to try to make you plead guilty today, Mr. Mose?

25 THE DEFENDANT: No.

1 THE COURT: Are you pleading guilty freely and
2 voluntarily?

3 THE DEFENDANT: I am.

4 THE COURT: And are you pleading guilty because you
5 are guilty?

6 THE DEFENDANT: Yes.

7 THE COURT: And is it your choice and your choice
8 alone to plead guilty today?

9 THE DEFENDANT: Yes.

10 THE COURT: Very good. Mr. Melton, would you like to
11 question your client as to the factual basis.

12 MR. MELTON: The factual basis is set forth by
13 Ms. Pop, correct?

14 THE DEFENDANT: Yes.

15 MR. MELTON: And you do admit -- there's an
16 allegation that you had child pornography. Do you admit that
17 you had that?

18 THE DEFENDANT: Yes, I do.

19 MR. MELTON: And that you admit that you had engaged
20 in sexual activity with a woman that -- I'm sorry, with a
21 12-year-old girl?

22 THE DEFENDANT: I do.

23 MR. MELTON: Okay. And that was in Ohio?

24 THE DEFENDANT: Correct.

25 MR. MELTON: Okay. And that the child pornography,

1 you knew it was child pornography?

2 THE DEFENDANT: I did.

3 MR. MELTON: And you knew it was illegal?

4 THE DEFENDANT: Yes.

5 MR. MELTON: Okay. And you knew the young woman
6 identified in the -- the girl identified in the plea agreement
7 was 12 years old?

8 THE DEFENDANT: Yes.

9 MR. MELTON: And at the time you were 30 years old?

10 THE DEFENDANT: That's correct.

11 MR. MELTON: And you were residing in -- within -- in
12 Monroe within the Eastern District of Michigan?

13 THE DEFENDANT: Yes.

14 THE COURT: Where was he living, Mr. Melton? I was
15 thinking he was in Midland or Gladwin.

16 MR. MELTON: This says --

17 THE DEFENDANT: At the time with the young girl, I
18 was living in Monroe.

19 THE COURT: Okay.

20 THE DEFENDANT: When the police came to investigate
21 me, I was living in Midland.

22 THE COURT: But you received some of the -- received
23 and distributed the child pornography while you were living in
24 Midland or Gladwin area?

25 THE DEFENDANT: Yes, that's correct.

1 THE COURT: Okay. In order to receive and distribute
2 the child pornography, Mr. Mose, you were using a computer; is
3 that correct?

4 THE DEFENDANT: I was using my cell phone.

5 THE COURT: Cell phone, okay. Which had internet
6 capabilities?

7 THE DEFENDANT: Yes, that's correct.

8 THE COURT: Okay. Very good. So that -- you would
9 agree that is something that affects interstate commerce?

10 THE DEFENDANT: Yes.

11 THE COURT: Good. In addition, when it comes to the
12 12-year-old girl situation, you did use a means of interstate
13 commerce, perhaps your cell phone again; is that correct --

14 THE DEFENDANT: Yes.

15 THE COURT: -- to entice and persuade her to have the
16 sexual activity with you, would that also be correct?

17 THE DEFENDANT: Yes.

18 THE COURT: Okay. And you were aware at that time
19 that that was a type of sexual activity that could have exposed
20 you to basically state court charges?

21 THE DEFENDANT: Yeah.

22 THE COURT: Okay. Very good.

23 Ms. Pop, is there anything further?

24 MS. POP: As to the timing for the receipt and
25 distribution, that it was between February 2nd, 2018 and June

1 12th, 2018, and that it was receipt and distribution, not just
2 having child pornography?

3 THE DEFENDANT: Pardon? I couldn't quite hear you.

4 THE COURT: So just -- Ms. Pop had asked about the
5 timing of it, that the receipt and distribution occurred
6 between February 2nd, 2018, and June 12th, 2018 --

7 THE DEFENDANT: Yes.

8 THE COURT: -- is that correct?

9 THE DEFENDANT: Yes.

10 THE COURT: And then I think we did address it, but
11 she just wanted to make sure that we had -- that you had
12 acknowledged that you had distributed and received the child
13 pornography, not just that you possessed it --

14 THE DEFENDANT: Yes.

15 THE COURT: -- also correct, Mr. Mose?

16 THE DEFENDANT: Yes.

17 THE COURT: Okay. Thank you. And I think we did hit
18 that one. And then as we probably didn't get the timing as to
19 your -- the time in Ohio was in the fall of 2014; is that
20 correct, Mr. Mose?

21 THE DEFENDANT: Yes, that's correct.

22 THE COURT: Very good. Ms. Pop, anything further?

23 MS. POP: I believe this is it. Thank you.

24 THE COURT: Thank you. Mr. Mose, we've talked about
25 the charges, the possible penalties, the rights you have and

1 those that you've indicated you would be willing to give up.

2 With all that in mind, how do you want to plead today, sir?

3 THE DEFENDANT: Guilty.

4 THE COURT: I find the defendant is competent to
5 tender a plea, that his plea was knowingly, voluntarily and
6 intelligently made and that the offenses to which he has pled
7 are supported by an independent basis in fact containing each
8 of the essential elements of the offenses.

9 I will, therefore, order preparation of a presentence
10 investigation report. I will recommend that the defendant's
11 plea be accepted, that he be adjudged guilty and have sentence
12 imposed subject to the sentencing judge's review and
13 consideration of the plea agreement pursuant to Rule 11(c) of
14 the federal rules.

15 Ms. Pop, are you satisfied with compliance with
16 Rule 11?

17 MS. POP: Yes, Your Honor.

18 THE COURT: Thank you. And, Mr. Melton, are you also
19 satisfied?

20 MR. MELTON: Satisfied.

21 THE COURT: Very good. The next step for you then,
22 Mr. Mose, is you'll be referred to probation. You'll have an
23 interview with them, with your attorneys present, and you want
24 to make sure that you stay candid and truthful with them as you
25 have here because as we talked about, if you were to make any

1 false statements, withhold information or show a lack of
2 acceptance of responsibility, that could have a deterrent, a
3 bad effect, on your sentencing guideline range. Do you
4 understand that, sir?

5 THE DEFENDANT: I do.

6 THE COURT: Okay. Very good. I wish you good luck
7 with that process. We'll take a recess until the next case.
8 Thank you.

9 (At 2:11 p.m., court recessed.)

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C E R T I F I C A T E

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I certify that the foregoing is a correct transcript
from the digital sound recording of the proceedings in
the above-entitled matter.

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Carol M. Harrison

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Date: 9-12-2019

Carol M. Harrison, RMR, FCRR
Official Court Reporter
United States District Court
Eastern District of Michigan
1000 Washington Avenue
Bay City, MI 48708

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